

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
In Open Court
USDC, Mass.
Date 4-27-05
By SB

JOHN C. DEMATOS, et al)
Plaintiffs)

CIVIL ACTION NO. 05-10372

Vs.)

MARSHALL S. HAZARD, et al)
Defendants)

REPORT OF PARTIES' PLANNING MEETING

Date Complaint Filed: January 13, 2005.

Date Complaint Served: January 27, 2005

Date of Defendant's Appearance: February 10, 2005

Notice To State Court Of Removal To Federal Court Filed: February 23, 2005

Pursuant to Federal Rule of Civil Procedure 26(f), the parties communicated via telephone on April 8, 2005, and April 25, 2005. The participants were:

Joseph H. Silvia for the plaintiffs.

Gordon L. Sykes for the defendants.

I. CERTIFICATION

Undersigned counsel certify that, after consultation with their clients, they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case and, in consultation with their clients, have developed the following proposed case management plan. Counsel to the parties further certify that they have forwarded a copy of this report to their clients.

II. JURISDICTION

A. Subject Matter Jurisdiction

Jurisdiction is based upon the complete diversity of the parties pursuant to 28 U.S.C. § 1332. The plaintiff asserts that the amount in controversy exceeds \$75,000.

B. Personal Jurisdiction

Neither party challenges the jurisdiction of this Court.

III. BRIEF DESCRIPTION OF CASE

A. Claims of Plaintiffs

The plaintiffs allege that they suffered damages as a result of the defendant, Marshall S. Hazard's, negligent operation of a motor vehicle on or about January 17, 2002. The plaintiffs further allege that General Transportation Services is the registered owner of the vehicle operated by Mr. Hazard and therefore is liable for the injuries sustained by the plaintiffs.

B. Defenses and Claims of Defendant:

The defendants dispute the cause of the accident in question. The defendants further dispute the nature and extent of the plaintiffs' injuries and damages.

III. STATEMENT OF UNDISPUTED FACTS

1. A motor vehicle accident involving the plaintiffs and Marshall S. Hazard occurred on or about January 17, 2002.
2. General Transportation Services was the registered owner of the vehicle operated by Mr. Hazard.

IV. CASE MANAGEMENT PLAN

A. Standing Order on Scheduling Civil Cases

The parties request a modification of the deadlines in the Standing Order on Scheduling in Civil Cases as follows:

B. Scheduling Conference with the Court

The parties do not request a pre-trial conference with the Court before entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b).

C. Early Settlement Conference

1. The parties certify that they have considered the desirability of attempting to settle the case before undertaking significant discovery or motion practice and might be willing to participate in non-binding mediation.
2. The parties request an early settlement conference.
3. The parties do not have a preference with respect to who will conduct the settlement conference.
4. The parties do not request a referral for alternative dispute resolution pursuant to L. R. 16.4.

D. Joinder of Parties and Amendments of Pleadings

1. Plaintiffs should be allowed until May 25, 2005, to file motions to join additional parties and file motions to amend pleadings.
2. Defendants should be allowed until June 25, 2005, to file motions to join additional parties and file motions to amend pleadings.

E. Discovery

1. The parties anticipate that discovery will be needed on the following subjects:
 - a. The cause of the motor vehicle accident;
 - b. The extent of the plaintiffs' damages;
 - c. The medical conditions of the plaintiffs prior to January 17, 2002;

- d. The plaintiffs' theories of liability, and
 - e. The weather and road conditions on or about January 17, 2002.
2. All discovery, including depositions of expert witnesses pursuant to Fed. R. Civ. P. 26(b)(4), will be commenced by June 1, 2005, and completed (not propounded) by December 31, 2005.
 3. Discovery will not be conducted in phases.
 4. All factual discovery will be completed by December 31, 2005.
 5. The parties anticipate that the plaintiffs will require a total of (5) five depositions and the defendants will require a total of (5) five depositions. The depositions will commence by June 1, 2005, and be completed by December 31, 2005.
 6. The parties do not intend at this time to request permission to serve more than thirty interrogatories.
 7. Plaintiffs intend to call expert witnesses at trial. Plaintiffs will designate all trial experts and provide opposing counsel with reports from all such experts pursuant to Fed. R. Civ. P. 26(a)(2) by August 31, 2005. Depositions of any such experts will be completed by December 31, 2005.
 8. Defendants intend to call expert witnesses at trial. Defendants will designate all trial experts and provide opposing counsel with reports from all such experts pursuant to Fed. R. Civ. P. 26(a)(2) by August 31, 2005. Depositions of any such experts will be completed by December 31, 2005.

F. Dispositive Motions

Dispositive motions will be filed on or before January 31, 2006.

G. Joint Trial Memorandum

The Joint Trial Memorandum will be filed within 30 days after the entry on the ruling of the last dispositive motion. If dispositive motions are not filed, the Joint Trial Memorandum will be filed within 60 days after the completion of all discovery.

H. Trial Readiness

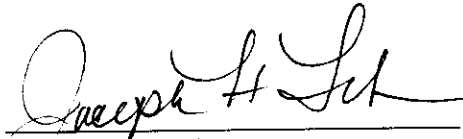
The parties will be ready for trial by April 2006.

As officers of the Court, undersigned counsel agree to cooperate with each other and the Court to promote the just, speedy and inexpensive determination of this action.

The plaintiffs,

By their attorneys,

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The defendants,

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Dated: April 25, 2005